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8 Attorneys for Plaintiff  
 9 United States of America

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 ARIF ALI DURRANI,	) CV No. 06-6281-PA
	) (CR No. 99-470-PA)
13 Petitioner,	)
	) <u>GOVERNMENT'S RESPONSE TO</u>
14 v.	) <u>DEFENDANT'S EX PARTE NOTICE RE:</u>
	) <u>NON-COMPLIANCE WITH SERVICE OF</u>
15 S.A. HOLENCIK, Warden	) <u>PROCESS; DECLARATION OF</u>
	) <u>WILLIAM A. CROWFOOT</u>
16 Respondent.	)

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 18 Respondent, S.A. Holencik, Warden, United States  
 19 Penitentiary -- Victorville, by and through the United States  
 20 Attorney for the Central District of California, hereby files its  
 21 response to the ex parte Notice of Noncompliance with the Service  
 22 of Motion Upon the Petitioner remitted by in-custody petitioner  
 23 ARIF ALI DURRANI for filing as of March 21, 2008. This response  
 24 is based on the attached declaration of Assistant United States  
 25 Attorney William A. Crowfoot, all files and records in this case,  
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1 and any further evidence as may be presented at any hearing on  
2 this matter.

3 DATED: March 25, 2008

Respectfully submitted,

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5 THOMAS P. O'BRIEN  
United States Attorney

6 CHRISTINE C. EWELL  
7 Assistant United States Attorney  
Chief, Criminal Division

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10 WILLIAM A. CROWFOOT  
Assistant United States Attorney

DECLARATION OF WILLIAM A. CROWFOOT

I, William A. Crowfoot, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I represent the United States in Arif Ali Durrani v. S.A. Holencik, Warden, CV No. 06-6281-PA. This declaration is submitted in response to the ex parte Notice of Noncompliance with the Service of Motion Upon the Petitioner remitted by in-custody petitioner Arif Ali Durrani ("petitioner") for filing as of March 21, 2008.

2. Petitioner states that as of March 21, 2008, he had not received the government's motion in this action which was required to be filed and served on petitioner on March 11, 2008.

3. The Court's docket shows that on March 11, 2008 the government filed its Motion to Transfer or Dismiss Defendant's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Clerk's Record 25). On that same date the government's motion was mailed to petitioner by United States mail as indicated on the certificate of service attached to the government's motion. (Id.).

4. On March 25, 2008, in response to defendant's notice of noncompliance, a second copy of the government's motion was mailed to petitioner at his place of imprisonment, FCI-Victorville. On March 25, 2008, I also spoke with Mr. M. Bacon, petitioner's case manager at FCI Victorville, who confirmed that petitioner remained in custody at that location. I told Mr. Bacon that petitioner had complained about not receiving the government's motion. He told me he would check with the mail

1 unit to determine whether the government's originally mailed  
2 motion had been received and held by mistake. He also said he  
3 would inform the mail unit and petitioner that a second copy of  
4 the government's motion had been mailed to defendant.

5 I declare under penalty of perjury under the laws of the  
6 United States that the foregoing is true and correct to the best  
7 of my knowledge and belief.

8 DATED: March 25, 2008

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11 WILLIAM A. CROWFOOT  
12 Assistant United States Attorney  
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CERTIFICATE OF SERVICE

I, **NETTIE RAFEE** declare:

That I am a citizen of the United States and resident or employed in Los Angeles, County, California; that my business address is Office of United States Attorney, Federal Courthouse 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on March 25, 2008, I deposited in the United States mail, at the U.S. Courthouse, in the above-entitled action, in an envelope bearing the requisite postage,

a copy of: GOVERNMENT'S RESPONSE TO DEFENDANT'S EX PARTE NOTICE RE: NON-COMPLIANCE WITH SERVICE OF PROCESS; DECLARATION OF WILLIAM A. CROWFOOT.

was:

☐ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☒ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

☐ By hand delivery addressed as follows:

☐ By facsimile as follows:

☐ By messenger as follows: ☐ By federal express as follows:

**Arif Durrani**  
**Reg No. 09027-014**  
**FCI Victorville Medium 1**  
**Federal Correctional Institution**  
**P.O. Box 5300**  
**Adelanto, CA 92301**

at his last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on **March 25, 2008**, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

  
**Nettie Rafee**

